

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

**WILLIAM AND KAREN
GIDDINGS,**

Plaintiffs,

v.

STEPHEN MARK MCDANIEL,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

5:13-cv-00216 (CAR)

PROPOSED SCHEDULING & DISCOVERY ORDER

In accordance with the Court's Rules 16 and 26 Order dated July 19, 2013, the parties to this action conferred and jointly developed a scheduling order and discovery plan containing the deadlines and limitations as follows:

I. Nature of The Case:

Plaintiffs' Statement: This case is a tort action falling within this Court's diversity jurisdiction brought by William and Karen Giddings against Stephen McDaniel seeking to recover for the murder and dismemberment of their adult daughter Lauren Giddings. Mr. McDaniel is currently incarcerated in Bibb County and is scheduled to be tried in January 2014 for the murder of Lauren Giddings. Plaintiffs bring this civil action for claims arising out of the murder and

specifically assert claims for wrongful death, intentional infliction of emotional distress and unlawful interference with the right of burial. The issues to be tried by the jury are as follows:

1. Whether defendant is liable for wrongful death;
2. Whether defendant is liable for intentional infliction of emotional distress;
3. Whether defendant is liable for unlawful interference with the right of burial;
4. Whether defendant is liable for compensatory and punitive damages and if so, what is the proper amount of those damages.

Defendant's Statement: The defendant denies the plaintiffs' allegations that he murdered Lauren Giddings and further denies that the plaintiffs are entitled to any of the relief they seek in their complaint.

Unique Issues and Circumstances Surrounding This Case

Plaintiffs address discovery issues in Section IV of this proposed order.

II. Counsel Of Record:

The following individually-named attorneys are hereby designated as lead counsel for the parties:

Attorneys for Plaintiffs William and Karen Giddings:

Richard A. Schneider
KING & SPALDING LLP
1180 Peachtree Street
Atlanta, Georgia 30309
Ph. 404.582.4889
dschneider@kslaw.com

Kristin S. Miller
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
Suite 1600, Monarch Plaza
3414 Peachtree Rd. NE
Atlanta, Georgia 30326
Ph. 404.443.6732
ksmiller@bakerdonelson.com

Attorney for Defendant Stephen Mark McDaniel:

Floyd M. Buford, Jr.
136 College Street
Macon, Georgia 31201
(478) 742-3605

III. Complaint and Answer Filing Dates:

Complaint was filed **June 17, 2013**.
Answer was filed July **9, 2013**.

IV. Discovery Deadlines:

A. Time for Discovery

The time for discovery in this case shall expire **June 30, 2014**.

Plaintiffs' Contention: Plaintiffs respectfully submit that discovery in this action is likely to exceed the six month period normally allotted. Plaintiffs contend that defendant has intentionally hidden and destroyed evidence, including Lauren Giddings' arms, legs and head. Once this proposed scheduling and discovery order is in place, plaintiffs will immediately commence discovery, which will include serving a subpoena under Fed. R. Civ. P. 45 to inspect defendant's now deceased grandfather's property where plaintiffs believe defendant may have disposed of their daughter's limbs and head. Discovery will also include depositions of at least 26 witnesses with knowledge of one or more of the facts alleged in the Complaint. Plaintiff submits that permitting discovery to proceed up through **June 30, 2014** should permit sufficient time to seek the necessary discovery and reserve the right to seek a further extension as appropriate.

Defendant's Statement: The defendant has no general objection to the plaintiffs' request to inspect the property belonging to Paul Browning located in Pike County provided the search is done by privately retained experts who have no affiliation with the defendant's current criminal case pending in the Superior Court

of Bibb County. The defendant reserves the right to object to said search if said search is not reasonable as to the time, duration, and scope.

Provision As To Further Extensions: In the event that one or all parties believe that a greater time for discovery is needed, the party or parties will file a written motion for extension of time, accompanied by a proposed order for the Court, wherein good cause will be shown for the requested extension.

The parties have agreed that the initial disclosures required by Rule 26 shall be exchanged on **September 15, 2013**.

B. Witnesses Who May Be Deposed

Witnesses Identified By Plaintiff:

Witness	Address	Proposed Time, Date and Place
Stephen McDaniel	668 Oglethorpe St., Macon, GA 31201	At the Foregoing Address, December 2013
Thaddeus Money	1783 Sunset Ridge Drive, Mascotte, FL 34753 352 394 4015 352 978 6120 tmoney072509@gmail.com	Atlanta, GA or Mascotte, FL, November or December 2013
Dr. Andy Silver	1147 Adams St. Macon, GA 31201-1507 478-335-9511 478-301-2564 (work)	Macon, GA, November or December

William Ingram	750 McCollum Rd. Barnesville, GA 30204-3773 678-588-3193	Macon, GA or Witness Current Location
Joshua Husak	1149 George St Norfolk, VA 23502-2957 757-288-0909	Macon, GA, November or December
Glenda McDaniel	4251 Collie Ct. SW Lilburn, GA 30047-4029 770-381-5031	
Mark McDaniel	4251 Collie Ct. SW Lilburn, GA 30047-4029 770-381-5031	
David Whitmire	2730 Colham Ferry Rd Watkinsville, GA 30677-3217 478.550.7334 david.whitmire@whitmirelaw.com	Atlanta or Watkinsville, GA November or December 2013
David Dorer	964 Magnolia St. Macon, GA 31201-6714 Dozier Law Firm LLC 327 Third Street Macon, GA 31201 404-388-5007 (cell) 478.742.8441 (work) dorer@dozierlaw.com	Macon - October or November of 2013
Karen Giddings	9141 Tymat Court Laurel, MD 20723 301-498-7319	Maryland (defendant contends this deposition should occur in Macon)
Billy Giddings	9141 Tymat Court Laurel, MD 20723 301-498-7319	Maryland ((defendant contends this deposition should occur in Macon)
Ashley Moorehouse Muller	1842 McDowell Street Augusta, GA 30904 585-727-3079 (cell) 706-469-3355 (work)	Atlanta, November or December 2013

	ashleyjmuller@gmail.com	
Garon Muller	1842 McDowell Street Augusta, GA 30904 706-414-7257 Garon.muller@gmail.com	Atlanta, November or December 2013
Joseph Karins	1230 W. Peachtree St. Atlanta GA 30309 678-978-4514 dashlok10@gmail.com	Atlanta, November or December 2013
John Tucker	1202 Brookhaven Woods Court NE Atlanta, Georgia 30319 678.640.2465	Atlanta, November or December 2013
Luke Burpee	1180 Peachtree Street Atlanta GA 30309 lburpee@kslaw.com	Atlanta, November or December 2013
Anna Wilson Pierce	5155 Meadowbrook Circle Suwanee, GA 30024 678-985-1000 work 770-361-5131 cell Pearce.annaw@gmail.com	Atlanta, November or December 2013
Brian Granger	488 Bucksnot Road Griffin, GA 30224 615-975-2522. bgranger11@lawmail.mercer.edu	Griffin or Atlanta, November or December 2013
Antoine Bostic	136 Fox Glove Ln Columbia, SC 29210-6313 478.272.3296	
Bonnie Bush	1007 Magnolia St. Macon, GA 31201-6724 478-741-4023	Macon, November or December 2013
Marty Bush	3491 Vinings North Way SE Smyrna, GA 30080-4584 678-309-0625	Macon, Atlanta, November or December 2013
Michelle Quesada	653 Monument Road, Apt. 1018 Jacksonville, FL 32225-6492	

	305-331-5247	
Trace Sargent	Post Office Box 571 Villa Rica, Georgia 30180 770-722-4241 (cell); trace314@yahoo.com (email)	
Joe Kovac	120 Broadway Macon GA 30201	
Amy Leigh Womack	120 Broadway Macon GA 30201	
Detective David Patterson	682 Cherry St, Suite 200 Macon, GA 31201 478.442.7235	
Other Witnesses As Identified, Including Reporters who interviewed McDaniel and McDaniel Family Members, Law Enforcement Who Investigated the Crime and Interviewed McDaniel		

Witnesses Identified By Defendant:

Defendant's Statement: The defendant seeks to depose plaintiffs at their convenience, and defendant contends that those depositions should take place in Macon under the Local Rules. The defendant seeks to depose David Vandiver in November 2013 in Atlanta at the offices of plaintiffs' counsel. The defendant seeks to depose Detective David Patterson and Detective Kevin Chapman in November 2013 in Macon.

Joint Statement: Both plaintiffs and defendant reserve the right to depose any other individual who is identified through discovery.

C. Expert Witnesses

1. Designation of Experts

Any party who desires to use the testimony of an expert witness will be required to designate the expert according to the following schedule :

By agreement of the Parties, Plaintiff must disclose the identity of any expert witness on or before **November 15, 2013**. Plaintiffs reserve the right to seek additional time to identify experts to address any issues of DNA evidence.

Defendant must thereafter disclose the identity of any expert witnesses that may testify on or before December 15, 2013.

In the event Defendant designates an expert where Plaintiff has not previously designated an expert, Plaintiff shall have an additional thirty (30) days to designate a rebuttal expert.

2. Expert Reports

Any disclosure or designation of an expert witness must be accompanied by a written report prepared and signed by the expert in accordance with the requirements of Federal Rule of Civil Procedure 26(a)(2)(B).

3. Daubert Motions

Any Daubert Motions must be filed on or before **August 15, 2014**, that being no more than 45 days after the expiration of discovery in this case.

D. Discovery Limitations or Need for Protective Order:

E. Motions To Compel Discovery:

While written motions to compel discovery may be properly filed, the Court requests that the parties initially refrain from filing such motions, and instead contact Lee Anne Purvis, Courtroom Deputy (478-752-0739) to schedule a telephone conference to discuss any discovery issues.

F. Estimated Cost Of Discovery:

For Plaintiff: in excess of \$200,000 (including the value of lawyer time devoted to pursuing discovery)

For Defendant: The anticipated cost of discovery for the defendant, which would include attorney fees, is in the approximate amount of \$75,000.

V. Time for Filing Motions:

A. Motions To Amend The Pleadings Or Join Parties

All Motions seeking to amend the pleadings or to join parties or claims to the current action shall be filed on or before **January 31, 2014**.

B. Dispositive Motions

The parties agree that all Dispositive Motions will be filed no later than August 15, 2014, that being no more than 45 days after the expiration of discovery in this case.

In the event one or all parties would like to request oral argument on a pending Motion for Summary Judgment, a separate motion requesting oral argument will be filed in accordance with Local Rule 7.5.

VI. Written Discovery

- A. By agreement of the parties, each party shall be allowed 40 production requests, notwithstanding Local Rule 34.
- B. By agreement of the parties, each party shall be allowed 75 requests for admissions, notwithstanding Local Rule 36.

VII. Certification of the Parties:

The parties certify by their signatures below that they have conferred and discussed the nature and basis of their claims and defenses and the possibilities for prompt settlement or resolution of the case, pursuant to Local Rule 26(a).

Respectfully submitted, this 3rd day of September 2013.

<u>/s/ Kristin S. Miller</u> Richard A. Schneider Georgia Bar No. 629569 KING & SPALDING LLP 1180 Peachtree Street Atlanta, Georgia 30309 Ph. 404.582.4889 dschneider@kslaw.com	<u>/s/Floyd M Buford</u> Floyd M. Buford, Jr. Georgia Bar. No. 093805 <i>Attorney for Defendant Stephen</i> <i>McDaniel</i> 136 College Street Macon, Georgia 31201 (478) 742-3605
--	---

<p>Kristin S. Miller Georgia Bar No. 805833 BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC Suite 1600, Monarch Plaza 3414 Peachtree Rd. NE Atlanta, Georgia 30326 Ph. 404.443.6732 ksmiller@bakerdonelson.com</p> <p><i>Attorneys for Plaintiffs William and Karen Giddings.</i></p>	
---	--

The Court, having reviewed the information contained in the Proposed Scheduling and Discovery Order completed and filed jointly by the parties to this action, hereby ADOPTS the parties' plan and MAKES IT THE ORDER OF THE COURT.

SO ORDERED this 12th day of September, 2013.

S/ C. Ashley Royal
C. ASHLEY ROYAL
United States District Judge